



**SO ORDERED.**

**SIGNED this 08 day of March, 2007.**



A. Thomas Small  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION

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In Re:

**Alexander Winston**

Social Security No. xxx-xx-4667  
Address: 5571 Devinswood Road, Oxford NC 27565-

Case No. 03-02665-5-ATS  
Chapter 13

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Debtor

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**ORDER AVOIDING JUDICIAL LIEN OF GREENWOOD TRUST COMPANY BY ITS AGENT  
PURSUANT TO 11 U.S.C. § 522(f)**

**THIS CHAPTER 7 CASE** is before the Court for consideration of a motion filed by the Debtor to avoid a judicial lien pursuant to U.S.C. § 522(f) of the Bankruptcy Code and to approve an additional attorney fee; and having considered the motion and the other matters of record in this case, the Court finds and concludes as follows:

1. That the Motion to Avoid Judicial Lien was duly served on all parties in interest, and that the time for objecting to the relief requested has expired without any objections being, filed; and
2. That the Debtor is now, and has been at all times since this case was filed, the owner of real property known as 5571 Devinswood Road (formerly known as 1009-C Roxboro Road), Oxford, N.C. 27565 (hereinafter "said property"); and that said property is more particularly described as: Same property as described in Deed Book 736 at Page 48 as set forth in the Granville County Registry of Deeds.; and
3. That said property had a value of \$53,877.00, as of the date this bankruptcy case was filed; and
4. That as of the date this case was filed, said property was the residence of the Debtor, and the Debtor has claimed and was entitled to claim an exemption in said property pursuant to N.C.G.S. § 1C-1601(a)(1) of not more than \$10,000.00; and
5. That Greenwood Trust Company by its agent Discover Financial Services, Inc., holds a judicial lien docketed in Granville County Clerk's File No. 02 CVD 14 and which was recorded on 6/26/02 in the Granville County, Book of Judgments number 195 at Page 42, in the amount of approximately \$6,233.04, plus interest at the rate of 8.00 percent per annum. That, upon information and belief, the balance owing to said creditor concerning said judicial lien, together with interest, as of the date this case was filed, was approximately \$7,726.00; and

6. That said judicial lien constitutes a lien upon said real property; and
7. That, as of the date this case was filed, the only other liens against the property recorded in Granville County were the following:

Name of Creditor Holding Lien	Type of Lien	Payoff Amount of Lien
Homeq Servicing Corp.	Deed of Trust	\$56,572.00
	Total Amount of Other Liens:	\$56,572.00

8. That since the sum of the amount of the said judicial lien held by said Greenwood Trust Company by its agent Discover Financial Services, Inc., the total amount of all other said liens on the said real property, and the amount of the exemption that the Debtor were entitled to claim if there were no liens on the property, exceeds the value of the real property (or, in the event that the Debtor own less than a 100% interest in said real property, the value of the Debtor's interest in said property) by \$20,421.00, the said judicial lien impairs an exemption of the Debtor; and
9. That, therefore, the judicial lien is avoidable to the full extent of said judicial lien pursuant to U.S.C. § 522(f)(2)(A); and
10. That pursuant to Local Bankruptcy Court Rule 2016-1(a)(6), an additional presumptive attorney fee will be approved to pay for the services necessary to process this motion and the ensuing order.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** as follows:

1. That said judicial lien held by Greenwood Trust Company by its agent Discover Financial Services, Inc., recorded in the Granville County, Book of Judgments 195 at Page 42, is hereby avoided to the full extent of said judicial lien as to said real property, more particularly described as: Same property as described in Deed Book 736 at Page 48 as set forth in the Granville County Registry of Deeds; and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, upon this Court entering an Order of discharge of the Debtor, or of an Order approving the sale of said real property, as the case may be, said judicial lien shall be deemed cancelled-of-record in its entirety, and by virtue of such avoidance, said judicial lien is reduced to \$0.00; and
3. That, at such time, in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Granville, North Carolina, may record in the office of said Register of Deeds a copy of this order avoiding said judicial lien, together with a copy of the discharge order issued in this bankruptcy case or the order approving sale of the property, as the case may be, upon being presented with certified copies thereof., and
4. That an additional attorney fee in the sum of \$ 200.00, plus an amendment filing fee of \$26, for a total of \$226 to be paid by the Chapter 13 Trustee as an administrative expense, is approved.

End of Document

**BAE SYSTEMS**

Bankruptcy Noticing Center  
 2525 Network Place, 3rd Floor  
 Herndon, Virginia 20171-3514

District/off: 0417-5  
 Case: 03-02665

User: bipes\_ch  
 Form ID: pdf014

Page 1 of 1  
 Total Served: 2

Date Rcvd: Mar 08, 2007

The following entities were served by first class mail on Mar 10, 2007.  
 db Alexander Nmn Winston, 5571 Devinwood Rd., OXFORD, NC 27565  
 cr +Greenwood Trust Company, by Discover Financial Services, 2500 Lake Cook Rd.,  
 Deerfield, NC 60015-1838

The following entities were served by electronic transmission.  
 NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 10, 2007

Signature:

